

Decision 02-08-026 August 8, 2002

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the matter of the application of Rajen R. Chovatia dba Air-Transit Shuttle to transfer his PSC-10858 certificate to Air-Transit Shuttle LLC and to establish a Zone of Rate Freedom.

Application 02-04-029  
(Filed April 19, 2002)

**O P I N I O N**

**Summary**

This decision grants the application to transfer, pursuant to Pub. Util. Code § 851 et seq., a passenger stage corporation (PSC) certificate from Rajen R. Chovatia (Transferor), an individual, to Air-Transit Shuttle LLC (Transferee), a limited liability company (collectively, Applicants).

**Discussion**

Transferor is authorized by Decision (D.) 97-05-052, as amended by D.00-06-023, to transport persons and their baggage on an on-call basis between points in San Francisco, Alameda, Contra Costa, Marin, Solano, Santa Clara, and San Mateo Counties, on the one hand, and San Francisco (SFO), San Jose (SJC), and Oakland (OAK) International Airports, on the other hand.

Transferor desires to conduct the business as a limited liability company. Applicants request authority to transfer certificate PSC-10858 to Transferee. The transfer will not result in any change in management.

Transferee will adopt Transferor's tariff, filed with the Commission as CAL PUC 2, Local Passenger Tariff No. 1. The tariff includes fares established under the zone of rate freedom authorized by D.00-06-023.

Notice of filing of the application appeared in the Commission's Daily Calendar on April 24, 2002.

In Resolution ALJ 176-3087, dated May 2, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3087.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Findings of Fact**

1. Transferor is operating as a PSC pursuant to D.97-05-052, as amended by D.00-06-023.
2. Transferor requests approval to transfer his authority, including his tariff, to Transferee.
3. The proposed transfer will not be adverse to the public interest.
4. No protest to the application has been filed.
5. A public hearing is not necessary.
6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### **Conclusions of Law**

1. The proposed transfer is in the public interest and should be authorized.

2. Since the matter is uncontested, the decision should be effective on the date it is signed.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

## **O R D E R**

### **IT IS ORDERED** that:

1. Within 120 days from the effective date of this decision, Rajen R. Chovatia (Transferor), an individual, may transfer the operative rights specified in this application to Air-Transit Shuttle LLC (Transferee), a limited liability company, subject to the conditions contained in the following paragraphs.

2. Transferee shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service within 120 days after this order is effective and adopt Transferor's tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this order is effective and allow at least 10 days' notice to the Commission.
- c. Comply with General Orders Series 101, 104, and 158, and the California Highway Patrol (CHP) safety rules.
- d. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.

- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

3. Transferee is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Transferee that its evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Transferee's vehicles for service.

4. The certificate of public convenience and necessity (CPCN) granted to Transferor by Decision (D.) 97-05-052, as amended by D.00-06-023, is revoked on the date Transferee is notified that it may commence operations as provided in Ordering Paragraph 3.

5. Before beginning service to any airport, Transferee shall notify the airport's governing body. Transferee shall not operate into or on airport property without authority from the airport's governing body.

6. The CPCN to operate as PSC-15326, granted herein, shall expire unless exercised within 120 days after the effective date of this order.

7. The application is granted as set forth above.

8. This proceeding is closed.

This order is effective today.

Dated August 8, 2002, at San Francisco, California.

LORETTA M. LYNCH  
President  
HENRY M. DUQUE  
CARL W. WOOD

MICHAEL R. PEEVEY  
Commissioners

Commissioner Geoffrey F. Brown, being necessarily  
absent, did not participate.

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-15326

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Showing passenger stage operative rights, restrictions,  
limitations, exceptions, and privileges  
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All changes and amendments as authorized by  
the Public Utilities Commission of the State of California  
will be made as revised pages or added original pages.  
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Supersedes the authority heretofore granted to  
Rajen R. Chovatia, an individual, by D.97-05-052 and D.00-06-023.

Issued under authority of Decision 02-08-026,  
dated August 8, 2002, of the Public Utilities Commission  
of the State of California in Application 02-04-029.

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SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,  
LIMITATIONS, AND SPECIFICATIONS.

This certificate supersedes all passenger stage operative authorities granted to Rajen R. Chovatia, an individual.

Air-Transit Shuttle LLC, a limited liability company, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on an "on-call" basis, between points and places as described in Section IIA, and the airports described in Section IIB, over and along the route described in Section III, subject however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- b. The term "on-call," as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- c. No passengers shall be transported except those having a point of origin or destination as described in Section IIB.
- d. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.



SECTION II. SERVICE AREA.

- A. Within the geographical limits of the Counties of San Francisco, Alameda, Contra Costa, Marin, Solano, Santa Clara, and San Mateo.
- B. San Francisco International Airport.  
San Jose International Airport.  
Oakland International Airport.

SECTION III. ROUTE DESCRIPTION.

Commencing from any point as described in Section IIA, then over the most convenient streets, expressways, and highways to any airport described in Section IIB.